

REMARKS

In response to the Examiner's restriction requirement, Applicant hereby elects the invention of Group II (e.g., drawn to a method for producing a liquid crystal display device with substrates having irregular surface including line-shaped protrusion as defined by claims 7-13), with traverse. Claim 7 is believed generic. Applicant reserves the opportunity to file a Divisional Application for the non-elected invention later.

Applicants respectfully traverse the Restriction Requirement for the following reasons.

First, the Examiner indicates that there is an Election of Species Requirement, but the Examiner does not point out the species being present and why such an Election of Species Requirement is necessary.

Thus, contrary to the Examiner's assertion, Applicants submit that distinct inventions are not being claimed within the meaning of MPEP §806.05(g).

Furthermore, since the Examiner has presumably already conducted a search with regard to both the Group I and Group II claims there would be no additional searching burden placed on the PTO in the examination of both the Group I and II claims in the same application.

Still further, even assuming arguendo that a slight, additional searching burden was imposed upon the PTO if both the Group I and Group II claims were examined in the same application, the burden to the Applicants would be much greater in terms of financial considerations, since a divisional application is likely to be filed. Divisional applications are costly, with the present filing, issue, and maintenance fees alone being \$5,000. Thus, from a financial standpoint, Applicants' costs associated with filing and prosecuting a divisional

Serial No. 09/839,296
Docket No. 122638/00
NEC.202

3

application are believed to outweigh any additional costs (e.g., due to searching) incurred by the PTO if claims 1-13 were to be examined in the same application.

For the above reasons, Applicants respectfully request that the Examiner withdraw the Restriction Requirement, and examine both the Group I and II claims in the same application.

Early, favorable prosecution on the merits is respectfully requested.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A conditional petition is made for any extension of time which may become necessary. The Commissioner is authorized to charge any fees for such extension and to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,



Sean M. McGinn
Reg. No. 34,386

Date: 8/13/03
McGinn & Gibb, PLLC
Intellectual Property Law
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 21254